

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 2-3, 14-17, and 34-36 are pending in this application. Withdrawn Claims 5-8 and 18-31 are cancelled by the present response, without prejudice. Claims 12, 32 and 33 are also cancelled by the present response, without prejudice, and new claim 36 is added herein. Claim 34 was withdrawn as directed to the non-elected species. Claim 12 was objected to for an informality, which is now obviated by the cancellation of claim 12. Claims 32, 33, and 35 were rejected under 35 U.S.C. § 102(a) as anticipated by U.S. patent 5,999,345 to Nakajima et al. (herein “Nakajima”). Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakajima in view of U.S. patent 5,610,647 to Takada, which rejection is obviated by the cancellation of claim 12. Claims 2, 3, and 14-17 are allowed.

Initially, applicants gratefully acknowledge the indication of the allowance of claims 2, 3, and 14-17.

Addressing first the withdrawal of claim 34, that withdrawal is believed to be improper and applicants submit that claim 34 should have been addressed on its merits.

Claim 34 was withdrawn from consideration as it was contended in the Office Action that claim 34 was “directed to the embodiment 2 (Fig. 7) or 3 (Fig. 8) or 4 (Fig. 9) which is a non-elected species and which does not require an aperture or restriction unit positioned at or close to the crossing point of light beams”.¹

In response to that indication in the Office Action, applicants respectfully submit that it was improper to withdraw claim 34. Applicants note that the second through fourth embodiments are not characterized by the absence of the need for an aperture or a restriction unit, but are characterized by differences of optical systems of a beam emitting portion. Claim 5, which for example was noted as withdrawn as directed to a non-elected species,

¹ Office Action of August 13, 2003, page 2.

includes a restriction unit. That indicates that the requirement for a restriction unit is not the critical factor that controls whether a claim is directed to the non-elected species.

In such ways, applicants submit that claim 34 was improperly withdrawn, that claim 34 must be reinstated, and applicants further submit that claim 34 is allowable over the applied art.

Addressing now the rejection of claims 32, 33 and 35 under 35 U.S.C. § 102(a) as anticipated by Nakajima, that rejection is traversed by the present response.

With respect to claims 32 and 33, those claims are cancelled by the present response, and therefore the rejection thereto is obviated.

However, applicants respectfully submit that claim 35 patentably distinguishes over the teachings in Nakajima.

Claim 35 specifically positively recites “a light source that emits light beams in such directions that the light beams cross each other on at least one of the deflection surfaces”.

Contrary to the position taken in the Office Action, applicants respectfully submit that Nakajima does not teach or suggest light beams that cross at a point at least partially on a reflective surface so that the light beams are shaped by the periphery of the reflective surface. Applicants submit that nowhere in the specification or drawings does Nakajima teach or suggest such a feature.

In such ways, applicants respectfully submit that claim 35 distinguishes over the teachings in Nakajima.

The present response also sets forth new independent claim 36 for examination, which is believed to be clearly allowable and thus not deemed to raise any new issues that would preclude entry of the present amendment. More specifically, claim 36 recites similar features from claim 2, already indicated as allowable, and thus claim 36 is believed to clearly recite allowable subject matter.

In such ways, applicants respectfully submit that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

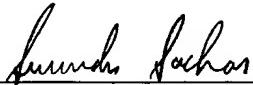
Respectfully submitted,

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